

REMARKS

Claims 1-16 are pending in the application as amended and presented. Applicants, in their response filed October 9, 2003, have elected Group I, Claims 1-6 for further prosecution, drawn to a method for modulating mechanoreception or mechanosensation in a mammal or a method for treating a condition characterized by altered mechanoreception or mechanosensation in a mammal comprising administering to said mammal an effective amount of VR-OAC polypeptide.

By this Office Communication, the Examiner asserts that Applicant's response to Election/Restriction is considered to be nonresponsive to the Election/Restriction requirement mailed on September 9, 2003 because Applicants failed to elect a specific amino acid sequence set forth in paragraph number 6 of the office action. In paragraph number 6 of the September 9, 2003, the Examiner stated that each individual sequence (SEQ ID NOS: 2 and 4-9) represents a structural and functionally distinct entity that is capable of supporting a separate patent. The Examiner further asserted that the "search and consideration of more than a single sequence constitutes an undue search burden on the office ...". The Examiner also noted that "this is not a species election requirement; rather it sets forth additional invention groups".

Responsive to the Requirement to elect a specific amino acid sequence for restriction, Applicants elect SEQ ID NO: 2, to human VR-OAC polypeptide, with traverse. Applicants respectfully request reconsideration of the Requirement for election of a specific single amino acid sequence, or in the alternative, modification of the Requirement to allow prosecution of more than one specific amino acid sequence, and in particular to allow prosecution of elected SEQ ID NO: 2 along with SEQ ID NO:4, submitting that the search and consideration of both of SEQ ID NOS: 2 and 4 does not constitute an undue search burden on the Examiner or the office.

Under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May

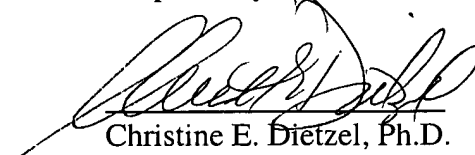
1988) (emphasis added).

Applicants respectfully submit that the specific amino acid sequences of SEQ ID NO: 2 and 4 fail to define compositions with properties so distinct as to warrant separate Examination and Search. In particular SEQ ID NO:2 and 4 both relate to human VR-OAC amino acid sequences, of which each are 871 amino acids long and which sequences differ relative to each other by three (3) amino acids. Applicants assert that the Examination and search of two specific sequences of such length, differing by only 3 of 871 amino acids is not undue or burdensome. Thus, Applicants submit that the Search and Examination of sequences SEQ ID NO:2, along with SEQ ID NO:4, can be made without serious burden, and therefore request that the Examiner examine all of the elected claims on the merits with respect to both SEQ ID NO:2 and SEQ ID NO:4. Applicants further point out that each and any of elected claims 1, 2, 4 and 6 are readable on both SEQ ID NO: 2 and SEQ ID NO: 4.

No fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

In view of the above, withdrawal of the Requirement for the Restriction is requested, and an early action on the merits of the Claims is courteously solicited.

Respectfully submitted,



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